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09/632,671	08/07/2000	BILLY G. MOON	062891.0415	4021

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EXAMINER
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LIN, KENNY S

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/632,671

Applicant(s)

MOON, BILLY G.

Examiner

Kenny Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1-31 are presented for examination.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-2, 8-9, 18-19 and 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Kweon et al (hereinafter Kweon), US 6,057,943.
4. Kweon was cited in the previous office action.

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5. As per claim 1, Kweon taught the invention as claimed including a communication apparatus comprising:

- a. A client interface operable to receive PPP data (col.3, lines 56-64, col.4, lines 58-64);
- b. A protocol module operable to encapsulate the PPP data as a payload of a facsimile page transmission (col.3, lines 65-67, col.4, lines 1-4, 20-30, 58-64, col.5, lines 18-27); and
- c. A network interface operable to establish a link with a remote location, to negotiate a facsimile communications session with the remote location, and to communicate the facsimile page transmission to the remote location (col.4, lines 12-30, 58-67, col.5, lines 1-14).

6. As per claims 8, 18 and 25, Kweon taught the invention as claimed including a method for wireless communication comprising:

- a. Establishing a link with a remote location (col.3, lines 56-60);
- b. Negotiating a facsimile communication session with the remote location (col.4, lines 12-30, 58-67, col.5, lines 1-14);
- c. Encapsulating PPP data as a payload of a facsimile page transmission (col.3, lines 65-67, col.4, lines 1-4, 20-30, 58-64, col.5, lines 18-27); and
- d. Communicating the facsimile page transmission to the remote location (col.4, lines 12-30, 58-67, col.5, lines 1-14).

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7. As per claims 2, 9, 19 and 26, Kweon taught the invention as claimed in claims 1, 8, 18 and 25. Kweon further taught to establish the link with the remote location using a wireless digital network (col.1, lines 53-58, col.3, lines 56-60).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 5-6, 12, 15, 22 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kweon et al (hereinafter Kweon), US 6,057,943.

10. As per claim 15, Kweon taught the invention substantially as claimed including a communication system comprising:

- a. a mobile unit operable to establish a link with a server using a wireless digital network (col.3, lines 56-60), to negotiate a facsimile communications session with the server (col.4, lines 12-30, 58-67, col.5, lines 1-14), to encapsulate client PPP data as a payload of a facsimile page transmission (col.3, lines 65-67, col.4, lines 1-4, 20-30, 58-64, col.5, lines 18-27), and to communicate the facsimile page transmission to the server (col.4, lines 12-30, 58-67, col.5, lines 1-14); and

- b. a server operable to receive the facsimile page transmission (col.4, lines 12-30, 58-67, col.5, lines 1-14), to encapsulate server PPP data as a payload of a page transmission acknowledgement (col.3, lines 65-67, col.4, lines 1-4, 20-30, 58-64, col.5, lines 18-27), and to communicate the acknowledgement to the mobile station (col.6, lines 25-28).

11. Kweon did not specifically teach to extract the client PPP data. However, extracting the received encapsulated data is necessary in order to access to the data. It would have been obvious to one of ordinary skill in the art at the time the invention was made in Kweon's method to have the server to extract the received client PPP data that was encapsulated.

12. As per claim 5, Kweon taught the invention substantially as claimed in claim 1. Kweon did not specifically teach wherein:

- a. The client interface is further operable to receive additional PPP data;
- b. The protocol module is further operable to encapsulate the additional PPP data as a payload of a second facsimile page transmission; and
- c. The network interface is further operable to negotiate a second facsimile communications session with the remote location and to communicate the second facsimile page transmission to the remote location.

However, it would have been obvious to implement Kweon's method to handle additional PPP data encapsulation and provide multiple facsimile page transmissions using multiple facsimile communication sessions in order to provide the service to multiple users at the same time. It

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would have been obvious to one of ordinary skill in the art at the time the invention was made to enhance Kweon's method in order for it to provide the service to multiple users by handling additional PPP data and establishing multiple facsimile communication sessions.

13. As per claims 6, 12, 22 and 29, Kweon taught the invention substantially as claimed in claim 1. Kweon further taught wherein:

- a. The network interface is further operable to receive a page transmission acknowledgement (col.6, lines 25-28).

Kweon did not specifically teach that the acknowledgement includes PPP data and the protocol module is further operable to extract the PPP data from the acknowledgement. However, sending an acknowledgement including data that can be extracted is well known in the art similar to sending an email message with attached files. It would have been obvious to one of ordinary skill in the art at the time the invention was made to manipulate Kweon's method to send acknowledgement that includes PPP data that is extractable by the module to attach reports in the acknowledgements.

14. Claims 3-4, 7, 10-11, 13-14, 17, 20-21, 23-24, 27-28 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kweon et al (hereinafter Kweon), US 6,057,943, in view of Kenmochi, US 5,854,830.

15. Kenmochi was cited in the previous office action.

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16. As per claims 3, 10, 20 and 27, Kweon taught the invention substantially as claimed as claimed in claims 1, 8, 18 and 25. Kweon did not specifically teach wherein the network interface is further operable to:

- a. Signal a local offhook indication to the remote location;
- b. Receive a remote offhook indication from the remote location; and
- c. Communicate voice information with the remote location using the link.

However, it would have been obvious to signal offhook indication to the remote location or to detect offhook indication from the remote location when either the apparatus or the remote location device is busy similar to the phone system. Kenmochi taught a method of concurrent voice and facsimile communication (col.1, lines 37-40) wherein a network interface is operable to

- d. Signal a local offhook indication to the remote location (col.3, lines 50-67, col.4, lines 1-5);
- e. Receive a remote offhook indication from the remote location (col.3, lines 50-67, col.4, lines 1-5); and
- f. Communicate voice information with the remote location using the link (col.3, lines 53-55, col.4, lines 6-22).

17. It would have been obvious to one of ordinary skill in the art at the time the invention to combine the teachings of Kweon and Kenmochi because Kenmochi's teaching communicating voice information with the remote location using the link help Kweon's method to not only provide facsimile communication but also voice communication and concurrent FAX/voice



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communication having offhook indication to perform mode switching (col.3, lines 50-67, col.4, lines 1-22).

18. As per claim 4, Kweon and Kenmochi taught the invention substantially as claimed in claim 3. Kenmochi further taught the apparatus to comprise:

- a. an audio input device operable to receive outbound voice information from a user (telephone; col.3, lines 23-25);
  - b. an audio output device operable to generate audio output based upon inbound voice information from the remote location (col.3, lines 11-22); and
- a switch operable to:
- c. disable the input device and the output device while the interface negotiates the facsimile communications session and communicates the facsimile page transmission (col.3, lines 23-33); and
  - d. enable the input device and the output device while the interface communicates voice information with the remote location (col.3, lines 23-30).

19. As per claims 7, 13, 23 and 30, Kweon taught the invention substantially as claimed in claims 1, 8, 18 and 25. Kweon did not specifically teach that wherein the PPP data comprise automobile status information. However, it would have been obvious to include different types of information in the PPP data depending on user needs and designs choice. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a wide

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variety of types of information in the PPP data according to service needs and designs choice in Kweon's method.

20. As per claims 11, 21 and 28, Kweon and Kenmochi taught the invention substantially as claimed in claims 10, 20, and 27. Kweon and Kenmochi did not specifically teach to comprise:

- a. negotiating a second facsimile communications session with the remote location
- b. encapsulating the additional PPP data as a payload of a second facsimile page transmission; and
- c. communicating the second facsimile page transmission to the remote location.

21. However, it would have been obvious to implement Kweon and Kenmochi's method to handle additional PPP data encapsulation and provide multiple facsimile page transmissions using multiple facsimile communication sessions in order to provide the service to multiple users at the same time. It would have been obvious to one of ordinary skill in the art at the time the invention was made to enhance Kweon and Kenmochi's method in order to it to provide the service to multiple users by handling additional PPP data and establishing multiple facsimile communication sessions.

22. As per claims 14, 24 and 31, Kweon taught the invention as claimed in claims 8, 18 and 25. Kweon did not specifically teach wherein negotiating the facsimile communication session comprises signaling a request for binary file transfer mode. Kenmochi taught a facsimile and voice communication method wherein that the communication terminal is binarized (abstract, col.8, lines 38-40). It would have been obvious to one of ordinary skill in the art at the time the

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invention was made to combine the teachings of Kweon and Kenmochi because Kenmochi's teaching of using binarized communication terminal for transmission help Kweon's method to binarize and multiplex analog signals.

As per claim 17, Kweon taught the invention substantially as claimed in claim 15. Kweon did not specifically teach wherein the mobile unit and the server are each operable to signal an offhook indication and communication voice information using the link. However, it would have been obvious to signal offhook indication to the remote location or to detect offhook indication from the remote location when either the apparatus or the remote location device is busy similar to the phone system. Kenmochi taught a method of concurrent voice and facsimile communication (col.1, lines 37-40) operable to signal a local offhook indication (col.3, lines 50-67, col.4, lines 1-5); and communicate voice information using the link (col.3, lines 53-55, col.4, lines 6-22). It would have been obvious to one of ordinary skill in the art at the time the invention to combine the teachings of Kweon and Kenmochi because Kenmochi's teaching communicating voice information with the remote location using the link help Kweon's method to not only provide facsimile communication but also voice communication and concurrent FAX/voice communication having offhook indication to perform mode switching (col.3, lines 50-67, col.4, lines 1-22).

23. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kweon et al (hereinafter Kweon), US 6,057,943, in view of Chou et al (hereinafter Chou), US 6,330,499.

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24. Chou was cited in the previous office action.

25. As per claim 16, Kweon taught the invention substantially as claimed in claim 15.

Kweon further taught to encode information as PPP data and to communicate the PPP data with remote location (col.3, lines 65-67, col.4, lines 1-4, 12-30, 58-67, col.5, lines 1-14, 18-27).

Kweon did not specifically teach the system to comprise:

- a. An automobile diagnostic module operable to generate automobile status information;
- b. A client coupled to the automobile diagnostic module and to the mobile unit, the client operable to receive the status information from the automobile diagnostic module, and to communicate the information to the mobile unit.

26. Chou taught a system and method with an automobile diagnostic module operable to generate automobile status information (col.1, lines 34-40, 42-47, col.2, lines 30-34); a client coupled to the automobile diagnostic module and to the mobile unit (col.2, lines 34-54), the client operable to receive the status information from the automobile diagnostic module (col.2, lines 45-47), to encode the status information as the client PPP data, and to communicate the client PPP data to the mobile unit (col.2, lines 48-51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kweon and Chou since Chou's teaching of generating automobile status information and transmitting the information for communication enables Kweon's communication system to provide voice or

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facsimile communications between automobile drivers and roadside service centers or car dealers.

***Response to Arguments***

27. Applicant's arguments filed 1/26/2004 have been fully considered but they are not persuasive.

28. In the remark, applicant argued that (1) Kweon fails to disclose "a protocol module/a mobile unit operable to encapsulate point-to-point protocol (PPP) data as a payload of a facsimile page transmission." (2) It is not appropriate for an examiner to take official notice of facts without citing a prior art reference.

29. Examiner traverse the argument that:

As to point (1), Kweon taught a protocol module operable to encapsulate the data by the upper layer protocol where the upper layer protocol is PPP and to transmit the data as a payload of a facsimile page transmission (abstract, col.3, lines 65-67, col.4, lines 1-4, 20-30, 58-64, col.5, lines 18-27, 46-49, col.6, lines 11-15). PPP data is data transmitted by Point-to-point protocol (PPP), hence the data encapsulated by the protocol is PPP data, including the fax image data (abstract).

As to point (2), Reference Kashleck et al, US 5,673,190, published on September 30, 1997, but filed on March 22, 1995 suggested that a primary standard module is included for performing the

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invention, however, additional optional modules can be added to expand the system (col.4, lines 45-47, 49-51). It would have been obvious to implement Kweon's method to handle additional PPP data encapsulation and provide multiple facsimile page transmissions using multiple facsimile communication sessions in order to provide the service to multiple users at the same time. It would have been obvious to one of ordinary skill in the art at the time the invention was made to enhance Kweon's method in order for it to provide the service to multiple users by handling additional PPP data and establishing multiple facsimile communication sessions. Reference Galuszka et al, US 5,301,186, published on April 5, 1994, but filed on June 28, 1991 taught to extract a portion of information from acknowledgements (col.5, lines 62-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to manipulate Kweon's method to send acknowledgement that includes PPP data that is extractable by the module to attach reports in the acknowledgements.

### *Conclusion*

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Galuszka et al, US 5,301,186.

Kashleck et al, US 5,673,190.

Kido, US6,249,811.

Endo, JP 411088591 A.

Yamamoto, JP 02000029801 A.

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Bhagwat et al, BlueSky: A Cordless Networking Solution for Palmtop Computers, ACM, 1999, pages 69-76.

Lesser et al, The UMASS Intelligent Home Project, 1999, ACM, pages 291-298

Harlow, Building an ISP Using Linux and an Intranet, September 1997, Linux Journal, Article No. 12.

31. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (703)305-0438. The examiner can normally be reached on 8 AM to 5 PM Tuesday to Friday and every other Monday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. Additionally, the fax numbers for Group 2100 are as follows:

Official Responses: (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-6121.

ksl

March 22, 2004



JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100